arracks without your knowing it?"
Sergt. Harris—"I do not think it could." In reply to questions, he sa'd they formed fin line and marched outside the wall of the arracks ground, and he saw no one pass or out. The only men who did not rein or out. The only men who did not re-tspond when the company was counted off were those who were away on duty. Capt. Ilyon was present. They then proceeded ito patrol the town. He did not know the names of streets they passed along, but they went by the post office and came back on the main street back to the gate. Senator Foraker-"Did you find any sol-

diers in the grounds?" Sergt, Harris-"We did not see a soldler. In front of a saloon we saw a man with eone of the men, turning to Capt. Lyon, said: 'Here is a man with a rifle.' The man answered that he was an officer of the law. Then Capt. Lyon said 'Move on.' We returned to the barracks and went into the reservation. We sat down on the grass for three-quarters of an hour. That was about 1:30 o'clock'." was about 1:30 o'clock."

Senator Scott—"When you went out into the town did any colored soldiers fall into line with you? Could they have done it without your noticing them?" Sergt. Harris—"No, sir, I was in the rear of the company all the way and would have seen them" cott-"When you went out into

After that, the witness said, he went to bed again. There was a light in the barracks when they returned, but it was soon

put out. The Inspection Described.

The witness said they were again called at 6 o'clock in the morning. No man was absent except those authorized to be absent. They had breakfast and then fell in line for drill as they supposed, but instead of having a drill they had an inspection. 'The inspection was not expected unt.i the order for inspection of arms was given. They took more time than is usual at an inspection, first inspecting the arms and ther The inspection, he said, the ammunition. was satisfactory to the officers, as he heard no one called to account. Usually if a man's gun was found in a dirty concition, or there was any question about his ammunition, something was said then and there, and he was en...er reprimanded or or-dered to work in the kitchen a couple of days or court-martialed. But they found no dirty guns. Capt. Lyon himself did

the inspecting.
Senator Foraker said that it had been suggested that these guns might have been cleaned before the inspection in the morning. He read from Maj. Blocksom's report to that effect.

Army rifles were then called for and a Krag-Jorgenssen and a modern Springfield rifle were produced. The witness had used a Krag-Jorgenssen prior to last April, when his company received the new Springfield rifle and ammunition. It was a Springfield rifle that they had in Brownsville. He de monstrated with the rifle in hand the oper ation that is gone through in cleaning it order to clean the bore. Smokeless powder that is used made the gun very har to clean, although it did not discolor it as much as other gunpowder. The ramrods used by a company, he said, are but four in number and they are in possession of a sergeant and are had by the men only on eir asking for them. Later the testimony showed that these rods are not locked up and might be taken by the men if they cared to run the risk of discovery. He said that it would take at least ten minutes to clean a gun, as the barrel had not only to be cleaned, first with a brush, then with the rod, and then with a piece of cloth at the end of the rod, but it has to be oiled care-He said that a failure to clean a gun theroughly always brought down a rebuke by the officer inspecting arms and that the least defect in cleanliness would be dejust about as dirty by firing one cartridge usually the inspection was at 9 o'clock, but that morning it was at about 6 o'clock. It was light, however, when the inspection was made, so that the guns could be looked

Accessibility of Ammunition.

Sergi. Harris was then closely questioned In relation to the manner in which ammumition is distributed among men for target practice and accounted for by them either by actual fire or by being returned to the proper officer. He did not believe it was ssible for a man to secure any cartriages spect. He knew no place in Brownsville where a man could buy any cartridges that could be used in the new Springfield rifle. In reply to questions by Senator Talla-ferro, the witness said that he could no state from his own knowledge that that in-spection resulted in finding all the guns clean and unused, but he believed that had that not been the case he would have heard something said. He heard nothing. Senator Overman—"Is it not possible that at the roll call some men might have been absent and some one else might have an

swered for them?' Witness-"Well, he might do it." Senator Foraker—"Would you be familian with the voices of the men?" Witness-"Yes, sir; I was very familiar with their voices. I listened very carefully as they answered their names, as I hoped that no one would be found absent from

my company. Satisfied His Men Were Present.

The witness added that because of his familiarity with his men's voices he felt sure there was no one absent except those authorized to be absent. Of his company seven were on guard duty and two were absent on passes, but there were no othe unaccounted for.

In reply to a question by Senator Pet-tus the witness said he had heard seventyfive or eighty shots fired on the night of the

Asked what he had thought was the trouble at that time, he said he thought perhaps the soldiers and citizens had got mixed up in some way. He did not be lieve that any of the members of his com-pany were mixed up in it, and for that reason listened carefully as they answered the roll call, and while it was too dark to see the men all clearly, he was satisfied by their voices that they were all there. He said that he thought there might be some trouble between soldlers and citizens be-cause there had already been trouble and it had been claimed that some of the men had been insulted by some of the people there. He said they had had other troubles in 1899 and 1990 in Texas. The fact that they had had trouble before was the cause him supposing at that time that there might be such troubles that night. had known of the feeling between the

into saloons, but he knew of that only by hearing it talked of.
"You had reasons to fear that there

soldiers and the citizens. He had heard

would be trouble?" asked Senator Warner.
"I had reason to fear there would be replied the witness. What do you mean?" "Some trouble of some kind."

Continuing, the witness said he though there might be a fight of some kind. He hadn't thought there would be any sh ing, but he had thought there might be some other kind of fighting because of the feeling that had existed. When the shooting occurred he then supposed that it might be something of the kind he had re-He said he had testified practically to the same effect when questioned by Capt.

Didn't Hear Shooting Discussed.

Senator Warner asked the witness if he had heard men of his company discuss the cause of the trouble that night or the following day or any other time.

"I never even heard them talk about it: they just said they wondered what would be done about it, what the outcome would be or wondered what they were going to do

The witness was questioned very closely on this point by Senators Warner, Scott, Lodge and Foster, but he insisted that he had heard no discussion of the affair of the night of the 13th at any later time on the part of the men of his company, except that they wondered what might be done

testified to seeing a broken gun rack go to the carpenter shop, and he said he understood it was from Company C. He didn't know whether there were any more or not. He only saw one broken. The hearing was then adjourned until

tomorrow morning at 10:30 o'clock. The committee has decided not to open the doors of the committee room to the general public, but to allow newspaper aren to or present so that the fullest possible reports may be made of all the testimony that is

TRIAL OF MAJ. PENROSE.

Court-Martial in Brownsville Case at San Antonio.

SAN ANTONIO, Tex., February 4.-Maj.

been done from the porch of Company D was commanding Fort Brown at the time the 25th Infantry, is to be placed on trial by court-martial today. For the last three days Maj. Penrose has been in cor with his counsel, Lieut. Col. L. P. Glenn 25th Infantry, and Capt. P. A. Murphy, 1st Cavalry.

The specific charges against Maj. Penrose will be made when he is arraigned to-day, at which time it is expected he will plead to each of them.

WAGES AT NAVY YARDS. Further Information Wanted Before Department Can Act.

With the exception of Mare sound, Cal. and League Island, Pa., the navy yards and stations of the country at large have all adopted the new scale of wages for labor approved by Secretary Metcalt. In the case of the two yards named boards of officers already, after a thorough examinatio have reported the basis for the readjustment of wages, but it has been found neces sary to call for further information before

the department can finally act.

The scales adopted are by no means uniform. They are fixed by boards of officers upon the basis of wages paid for similar services in manufactories in the neighborhood of the navy yards. However, the approximate increase in the case of the Washproximate increase in the case of the Washington navy yard, about 5 per cent, fairly represents the rate of increase granted at the other navy yards. There has been no corresponding increase in the funds available for the payment of labor in the navy yards for the remaining current fiscal year. Therefore it is feared by the officials that the increase, after all, will not be an un-mitigated blessing to the navy yard work-ers, because it is likely some heavy dis-charges must be made before the 1st of July in order to prevent a deficiency in appropriations, which is strictly prohibited by law. In fact, it has already been found necessary to make some reductions in the force at the Washington navy yard, and other cuts must follow in other places in the near future. There is a possibility that owing to the voluntary dropping out of some of the workmen it would not be necessary to make a large number of discharges, but the officials are not hopeful on this score.

NO WAR LIKELY. Japanese Consul General Says Strife Is Not Probable.

Special Dispatch to The Star. OTTAWA, Ontario, February 4.-Tatz Nosse, The Japanese consul general to Canada, in discussing the California school question, said today: "There will be no war. I would bet my fortune that Japan and the United States will not go to war over this matter.'

He added, jocularly: "The New York newspapers are too busy writing about Harry Thaw and Evelyn Nesbit now to "It is a pity," continued Mr. Nossee, "that a section of the American people have no more confidence in President Roosevelt. This difficulty was left in his hands to settle, and I think he will be able to manage it all right. I have had nothing official from Japan and do not expect any trouble.
"The talk about Japan wanting to seize

Hawaii is nonsense. That was practically what was said when Admiral Togo won a naval battle. People said he would come or to Singapore or the Philippines, but he did

"Japan had something of the same trouble in Canada some years ago through the Japanese exclusion act of British Columbia, but the attention of the Dominion authoritles was drawn to it, and we now have a treaty which gives us the same rights in every part of Canada as the French, Germans and English, or, in fact, that any one

Mr. Nosse has three daughters attending the select women's school in Ottawa and they are treated with every mark of cour-

MERCHANT TAILORS HERE.

National Association to Open Conven-

The fourth annual convention of the Merchant Tailors' National Protective Association of America will convene at the o'clock. A large number of delegates arrived this morning and the administrative council will meet this evening at 8 o'clock.

The session tomorrow morning will be opened with a prayer by Rev. C. Ernest Smith. Commissioner Henry B. F. Macfarland will deliver an address of welcome. Mr. Owen Owen, president of the Washington local association, will also speak, after which the president of the national association will delive an address. Following the addresses a business meeting will be held. The meeting will adjourn at 1 o'clock until 10 o'clock Wednesday morning. The convention will be in ses-

sion until Thursday. Wednesday morning John Patterson of New York will talk on "Legal Dress Reform." At 2:30 o'clock in the afternoon the members of the association and their families will be presented to President Roosevelt at the White House, after which it is proposed to have a group photograph of the members taken on the steps of the

Treasury Department.

The meeting Thursday will consist of the reading of the reports of the various committees and the election of officers. In connection with the convention a gar-ment exhibit will be held, which will be open to association members only. A

Thursday evening.

The report that the representative merchant tailors of this city will meet in Philadelphia next week, it is stated, is without foundation, as this association has no con-nection with the Merchant Tailors' National Exchange.

GOULD YACHT IN DANGER. Boat Narrowly Escaped Destruction Near Old Point Comfort.

Special Dispatch to The Star.

NORFOLK, Va., February 4.-Howard Gould's palatial yacht Niagara, with its owner and a party of wealthy New York friends aboard, narrowly escaped destruction off Old Point Comfort last night in an effort to cross the bow of the three-masted schooner Harbeson Hickman, which was sailing into Hampton Roads under a spanking twenty-five-mile breeze. The yacht's machinery seems to have been disarranged. or else her navigator acted with indiscretion as the yacht slowed down and there was a crash, the schooner striking the yacht a glancing blow at the stern, carrying away the yacht's flagstaff and a little of its rig ging. The skipper of the Hickman had the schooner's he'm thrown hard aport to avoid the collision, and had he not taken quick action the yacht would have been struck amidships and surely destroyed.

NEW HIGHWAY PLAN.

Report Made by Commissioners Today

on Bill Before Senate. The Commissioners today reported favor ably upon a bill recently introduced by Sen ator Gallinger which proposes to authorize the Commissioners to prepare a new highway plan for that portion of the District of Columbia lying north of Tilden street, south of Albemarle street, east of Reno street and

west of Connecticut avenue. Theobject of this measure is to allow large tract of land to be divided in a diner present highway system.

Providing New Revenue Cutters.

The House today, under suspension of the rules, passed an amended omnibus revenue cutter bill carrying \$650,000 for revenue cutters at Puget Sound; Savannah, Ga.; New Bedford, Mass., and New Orleans.

Charge of Selling Liquor Without Li-

James Williams and Joseph Fowler, both colored, were taken into custody by Police man Moran of the fifth precinch yestarda; at the corner of 1st and I streets southeast When they were arraigned in the Polic Court this morning on a charge of selling liquor without license, each pleaded no

Board of Education Replies in Cardozo Case.

AS TO RESTRAINING ORDER

Denies That Appointment of Board Was Unconstitutional.

HEARING BEFORE JUDGE GOULD

Right of the Respondents to Try the

Complainant—Arguments

Made by Counsel.

The room of Equity Court No. 2 was well filled this afternoon when Justice Gould began to hear arguments of counsel on the application of Francis L. Cardozo, supervising principal of the thirteenth division of the public schools, for an injunction

to prevent the board of education from

proceeding to try him on charges of alleged insubordination. Cardozo was present with his counsel Attorneys Henry E. Davis and James A. Cobb. The entire board of education, with the exception of Mrs. Mary Church Terrell, who is away from the city, were in court and listened attentively to the arguments of counsel. Several of the deposed teachers of the public schools were also

Dr. Chancellor entered the court room about 2:30 o'clock p.m., while Attorney
Davis was addressing the court.
Mr. Davis urged on the court the lack
of power in the judges of the District bupreme Court to name officials, whose auties

are not judicial. He cited a number of authorities. Justice Gould, from the import of the ques-tions propounded to Mr. Davis, intimated that he is satisfied that Congress had the right to designate the justices as the nominating power.

The court said that the decisions cited by

Mr. Davis were from states which have a written constitution, which the District of Columbia has not, and there is nothing in the District laws which separates its government into the three co-ordinate branches of executive, legislative and ju-Mr. Davis was still presenting his side of

the controversy when this report closed. Attorney Stuart McNamara will answer Mr. Davis. He stated that he expects to conclude his argument today. The case was for 11 o'clock this morning, but owing to other engagements of Justice Gould the matter went over until after the

Substance of the Answer.

The answer of the members of the board of education as read to the court today sets forth that "the respondents collectively are and do constitute the board of education of the District of Columbia, both de jure and de facto, and as such are vested with the control of the public schools of the District under and by virtue of the act of the Congress known as public act No. 254, approved June 20, 1906."

As to the alegations of the fifth paragraph of the bill of complaint the respondents say that "not as pleaded in the said fifth paragraph, the same in so far as it is pleaded in that manner being untrue but as a matter of fact and of authorization in law, they did legally appoint as and for the superintendent of all the public schools in the District William E. Chancellor, who accepted the appointment, assumed the office and who continuously has vided for by the act, both de jure and Ce facto; and that further the defendants ap-pointed Winfield Scott Montgomery as col-ored assistant superintendent for the col-Arlington Hotel tomorrow morning at 10 ored schools of the District, and Montgomery has accepted the appointment and as-sumed the office and continuously has been and now is the colored assistant superintendent, both de jure and de facto as provided for by the act."

Appointment Alleged.

The truth and the fact is, according to the answer, that under any by virtue of the authority reposed in the defendants by the act of Congress approved June 20, 1906, they did, September 4, 1906, upon the written recommendation of the superintedent, appoint and continue Cardozo as supervising principal at the salary provided for in said act, and not at the salary the complainant had previously received, and that the complainant duly recognizes the defendants as the board of education, duly accepted the appointment, duly took his oath of office under the appointment, en-tered upon his duties, and from that time continuously has been and now is an em-playe of the board; since that time has been and now is receiving his salary authorized to be paid to the complainant by the ap-pointment of the defendants as the board.

Admit Averments of Fact. The defendants admit the averments of fact in that Cardozo was notified in due form that he would be tried pursuant to section 10 of the act of Congress, approved June 20, 1906, and the allegation touching the action of the complainant in the prem

ises thereafter.

They admit that after the overruling of the motions the board called upon the complainant to plead to the charges and specifications, and that the complainant did plead not guilty as to each and all thereof, and that the defendants, as the board of education, did undertake and proceed to the complainant under the charges and try the complainant under the charges and specifications. The defendants say they are advised that the control of the public schools of the District of Columbia is vested in them as the board of education and that they are authorized to determine the policy of the schools and also authorized to place on trial or under investigation any persons in the employ of the schools, and as a result of trial or investi-

gation, to judge the guilt or innocence of any such person so tried.

Constitutionality Maintained. The defendants state they are advised that the act approved June 20, 1906, is not unconstitutional and veid in that it creates the board of education of the District of Columbia and authorizes the appointment of the members of the said board by the of the members of the said board by the Supreme Court judges of the District of Columbia, "for that they submit that the Supreme Court judges of the District of Columbia are known and ascertainable individuals of a definite number provided for by law and in legal and actual existence; that the Supreme Court judges of the District of Columbia, so as aforesaid known, contemplated and recognized by law, constitute the Supreme Court of the District of Columbia; that the Supreme Court is a court of law of the United States; that under and by virtue of article 2, of section 2. der and by virtue of article 2, of section 2, of the Constitution of the United States Congress is authorized to vest the appoint-ment of such inferior officers as it may deem fit in the courts of law, and accordingly is authorised to provide for the appointment of these resp act of June 20, 1966."

Power of Congress.

The defendants further say that under and by virtue of article 1, section 8 of the Constitution of the United States the Congress of the United States "Is authorized to exercise exclusive legislation in all cases whatsoever over such district as may by cession of particular states as may by cession of particular states and the acceptance of Congress become the seat of the government of the United States, and to make all laws which shall be necessary and proper for carrying into execution the foregoing power; that under and by virtue of said provision the Congress of the United States has exclusive jurisdiction and control of the said District of Columbia; that in the said District of Columbia there is not an absolute or necessary division of the pow-District of Columbia there is not an absolute or necessary division of the powers of government into the executive. legislative and judicial, but that on the contrary the same are under the immediate or indirect control of the Congress; that the Supreme Court of the District of Columbia, being a court of law of the said United States, is under its control, having been created by the said.

Congress of the United States; that the power of appointment to office and positions in the said District of Columbia is found in the executive department of the national government only in so far as it is specifically placed in said department by the will of Congress; that there is no right in the complainant or in any resident of the District to question the exercise of the act of Congress in its exclusive control of the said District save in so far as such act or acts of Congress, may contravene the fundamental rights of life, liberty, property or due process of law guaranteed to all citizens of the United States, or those residing in territories subject to its jurisdiction, and that in its exclusive control of the government of the said District of Cottee of Congress and the control of the government of the said District of Co-

diction, and that in its exclusive control of the government of the said District of Co-lumbia the Congress of the said United States is empowered to apportion and locate the appointment of inferior officers in the District of Columbia and the regulation of the internal government of the District of Columbia in such wise as it may deem fit and expedient, and without regard to the co-ordination of such power of appointment and regulation of municipal economy with the legislative, executive and judicial de-partments provided for in the national and state governments."

Calls for Opinion of Law. As to the allegations of the twelfth para-

graph of the bill, that it was not the intent of Congress by its act approved June 20, 1996, to abolish the corps or body of teachers of the schools of the said District, as the same was constituted at the date of the passage of the act, the defendants submit that the same call for an opinion of matter of law, and that they are not obliged to answer or furnish the same, but state that the remaining allegations of the paragraph are untrue in that the complainant, independently of the act, or of any action of the defendants, as the board of education, continued such supervising principal as he had been since May 24, 1904, the truth and the fact being that September 24, 1906, the defendants duly appointed and continued the complainant as supervising principal under a different system and at a different salary, the salary being an increase over his previous salary and being alone authorized by the act of June 20, 1906, under which act the defend-ants were put into existence as the board. The allegations in the paragraph that Car-dozo is not and never has been subject to the authority or jurisdiction of the de-fendants acting as the board, the defendants submit, are untrue

Subject to Authority. On the contrary, they state that since the 4th day of September, 1906, the complainant has continuously been subject to the authority and jurisdiction of the defendants as a board, and has continuously recognized them as the board; has received his salary under their authorization, and in all his duties as supervising principal has acted under the expressed and implied recognition of their existence as the said board of education de jure and de facto. It is added that in his petition for a writ of mandamus against the respondents as the board of education Cardozo swore that the respondents "were duly appointed pursuant to the act approved June 20, 1906, and at that time were, and previously thereto had been, the said board of education provided for in the said act.

Legal Rights Involved.

It is declared that Cardozo cannot in and by the bill contend that the defendants have no legal right to try him at all, as they are not the board of education, and in the same bill to contend that the charges and specification on which the board is trying the complainant do not import any matter of offense for which the said com-plainant can be tried.

Further answering, the defendants state that the complainant has not shown any right, title or interest to exhibit the bill or to secure any restraining or injunctive order against the defendants in the

Interest in Proceedings. Members of Congress are taking a deep interest in the outcome of the proceedings that have been instituted before the District Supreme Court to determine the constitutionality of the act of last June reorganizing the school administration of the District by relegating to the judges of that court the power of appointing the members

sfirntionality was broached while the bill was in the course of passage, but those in whose minds a doubt arose as to the legal-ity of the method of appointment were willing to allow the question to be slater if it should be formally raised. In that connection much comment has been aroused by the discovery in the Law Library at the Capitol of a volume of old "Dallas Reports," published in 1798, con-taining an opinion rendered April 5, 1791, by the circuit court for the district of New York, consisting of Jay, chief justice; Cushing, justice, and Duane, district judge, in connection with its consideration of the act of Congress "to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to invalid pensions." The court unanimously

valid pensions." The "That by the Constitution of the United States the government thereof is divided into three distinct and independent branches, and that it is the duty of each to abstain from and to oppose encroachments

Cannot Assign Duties to Judiciary. "That neither the legislative nor the executive branches can constitutionally assign

to the judicial any duties but such as are properly judicial and to be performed in a fudicial manner. "That the duties assigned to the circuit

courts, by this act, are not of that descrip-tion, and that the act itself does not appear to contemplate them as such; inasmuch as it subjects the decisions of the courts, made pursuant to those duties, first to the consideration of and suspension of the Secre-tary at War, and then to the revision of the legislature; whereas by the Constitution neither the Secretary at War nor any other executive officer, nor even the legislature, are authorized to sit as a court of errors on the judicial acts or opinions of this court."

In the same volume is another opinion on the same line rendered April 18, 1792, by the circuit court for the district of Pennsylvania, consisting of Wilson and Blair, justices, and Peters, district judge, in the form of a letter to the President of the United States:

United States:
"It is a principle important to freedom that in government the judicial should be distinct from and independent of the legislative department. To this important principle the people of the United States in forming their Constitution have manifested the highest regard."

Opinion in North Carolina. A similar opinion was expressed by the circuit court for the district of North Caroline, consisting of Iredell, justice, and Sit-

greaves, district judge, in a letter to the President on the same subject. "That the legislative, executive and judicial departments are each formed in a sep-arate and independent manner, and that the ultimate basis of each is the Constitudepartment can alone nullify any act of au-

hority.
"That the legislature, among other im-That the legislature, among other important powers, unquestionably possesses that of establishing courts in such a manner as to their wisdom shall appear best, limited by the terms of the Constitution only; and to whatever extent that power may be exercised or however severe the duty they may think proper to require, the judges, when appointed by virtue of any such establishment, owe implicit obedience to it.

"That at the same time such courts can "That at the same time such courts cannot be warranted, as we conceive, by wirtue
of that part of the Constitution delegating
judicial power, for the exercise of which
any act of the legislature is provided, in
exercising (even under the authority of another act) any power not in its nature judicial, or, if judicial, not provided for u55n
the terms which the Constitution requires."

Mississippi Levess Weakening.

JACKSON, Miss., February t.—Reports from points along the Mississippi river state hat continual rains during the past eighteen hours have softened the levees and great apprehension is felt. The rain has been over two inches in twenty-four hours. Wild animals are fleeing from the swamps to escape backwater. Two grown deer passed through the streets of Yakoo yesterday.

. Big Fire in London.

LONDON, February 4.-Fire broke out this evening in a block of buildings near Cheapside, and within a short distance of he general post office. The whole c.ty is corde

Letter From Mr. Roosevelt Arraigns His Friend.

INVESTIGATORS INVESTIGATED

Report by Garfield and Neill Declarer Charges Against Statistician Adams Are Unfounded.

The report asked for by the Senate on the connection of Messrs. C. S. Hanks and G. W. R. Harriman with the interstate commerce commission was sent to Congress by the commission today. It was accompanied by a letter from the President and another from the interstate commerce commission detailing the facts already known of the connection of these two gentlemen with the commission where they were sent by the President with a view to proving from the records that freight rates could be reduced all over the country without hurting the railroads. They were given access to the records of the commission for this purpose, but failed to establish their contention and are not now connected with the commis-

The most interesting feature of the report is a letter from the President to Mr. Hanks, in which President Roosevelt calls him for his accusations against the interstate commerce commission and telling him his statements have proved to be utterly unfounded, he may consider the "Incident

blosed."
Mr. Hanks was employed on the payroll of the commission from June 21, 1906, to January 10, 1907, and drew \$2,535 for his services. Mr. Harriman wa semployed as an expert for a little shorter prod, and was paid \$3,100.

Was paid \$3,100.

The three specific chartes on which the President was able to pin Mr. Harriman down was that the statistics of the commission were "grossly inaccurate and misleading" in the returns of the Lake Superior Terminal Company; the capitalization of the Seaboard Air Line and that there were errors in the trackage credited to the various rallroads of the country.
Commissioner of Labor Charles Neill and
Commissioner of Corporations James R.
Garfield went into these charges thoroughly
and announced at the conclusion of their investigation that they were "utterly un-founded." The letter of the President to Mr. Hanks goes into the history of the case quite fully and gives his conclusions in the matter.

He says: The President's Letter.

My dear Mr. Hanks: I am in receipt of your letter of the 29th send you herewith the report of Messrs. Neill and Garfield on the only specific charges I was able to get Mr. Harriman to make after repeated efforts on my part. Mr. Starek joins in the report. The charges are completely disproved.

Last winter you came to me on several

occasions, sometimes with and sometimes without Mr. Harriman, assuring me that very grave errors and shortcomings existed in the work of the interstate commerce commission, these being due primarily to the work of its statistician, Mr. Adams. The allegations made were so grave that. I had both of you meet vertain members of the commission, on which occasion you, stated that you would be able to put the commission in possession, of information which would practically revolutionize much of the work they were doing it you were given the chance to have access to their books. The commission, at my request, gave you such access. You were engaged in the researches last spring. When I returned to Washington last fall I heard from both Mr. Harriman and you on different

both Mr. Harriman and you on different occasions that you had found errors of the gravest and grossest character in the work of the statistician errors which completely nullified and rendered valueless the work of the whole commission. "The charges you had made and were then making were of so grave a character that I did not feel justified in failing to

give you every opportunity to substantiate them, for, of course, there was nothing more important than to find out whether or not the work of the interstate commerce commission was accurate and trustworthy. I endeavored to have Mr. Harriman state to me definitely what his charges were. admitted that your only knowledge of the matter was from him. I found it almost impossible to pin him down to any definite statement, and finally, in view of the repeated statements of both you and himself that only experts could go into the matter, I appointed Mr. O. P. Austin to look into

the charges. Charges Without Foundation.

"He reported to me that after careful examination of the charges as presented in the paper of Mr. Harriman and of the reply of Professor Adams he believed the charges were without foundation. You and Mr. Harriman insisted that Mr. Austin had erred, and you yourself suggested that I should have Mr. Neill and one or more bank examiners examine your charges. I summoned Mr. Harriman to meet me with Mr. Neill, Mr. Garfield and Mr. Adams. I spent an entire evening endeavoring to get Mr. Harriman to make specific charges, telling him that he had been many months at work and that it was out of the quesat work and that it was out of the ques-tion for me any longer to accept general allegations or sweeping accusations without specific statements to back them up.

"It proved exceedingly difficult to pin him down to anything specific, but I finally did pin him down to three definite charges. I explained to him repeatedly that he must then and there make any charges he had to make; that it was impossible to take up the time of officers of the administration the time of omcers of the administration any longer with loose declamation and that I would consider nothing whatever save what charges he then and there presented; that I would have them tested by a commission consisting of Mr. Garfield, Mr. Neill and a Mr. Starek, one of the best bank examiner in the government service. aminers in the government service.
"The examination has been made and the charges of Mr. Harriman are found to be charges of Mr. Harriman are found to be without any foundation whatever. Under the circumstances it would be simply folly for me to pay any further heed to any allegations whatever made in regard to the allegations whatever made in regard to the work of the interstate commerce commission by either Mr. Harriman or you. The incident is closed and I shall forward a copy of this letter to the chairman of the interstate commerce commission. Very truly yours, THEODORE ROOSEVELT." Letter of Transmittal. The letter of the interstate commer

commission transmitting the report of the investigation to the Senate is as follows: To the Senate of the United States: The interstate commerce commission has the honor to submit the following in response to the resolution of the Senate adopted January 28, 1907, directing the commission to report, as therein specified, in relation to the employment of Charles S. Hanka. The commission employed Mr. Hanks for the reasons and in the capacity hereinafter stated from June 21, 1906, to January 10, 1907. He has been paid in full for his services up to and including the list day of December, 1906, the sum of \$2,535. For the same reasons and in the same capacity the commission also employed Mr. George W. R. Harriman from June 24, 1906, to January 10, 1907; and he has been paid in full for his services up to and including the list day of December, 1906, the sum of \$3,100. to the resolution of the Senate adopted

\$3,100.

These respective amounts were paid to Mr. Hanks and Mr. Harriman out of the general appropriation to the commission for the fiscal year 1907, except the sum of \$500, which was paid out of the general appropriation for the preceding fiscal year. Prior to their employment as above stated these gentlemen had spent more or less time for a number of weeks in the orfices of the commission for the understood purpose of examining the original reports of the railroads on file with the commission. The opportunity to do so was accorded to them at the request of the President, at whose instance they were intro-

duced to the commission, and on account of their claim that such examination would show, or ename them to show that the freight and passenger rates of the country could be reduced an average of 10 per cent without reducing wages or divi-

A claim of such great public importance seemed to merit attention, and the persons making it were afforded every facility to examine the statistical data and work of

After their investigations had continued for some weeks they informed the commission that numerous and grave errors appeared in the statistical treatment of the reports of the railroads which resulted in wholly unwarranted and misleading complications.

As this work is of a technical character

As this work is of a technical character which must in the main be intrusted to experts it became of the first importance for the commission to know whether it was properly performed and could be relied upon by the commission in its administration of the regulating statutes. We could not afford to ignore such grave accusations and deemed it our duty to have a thorough investigation to ascertain to what extent, if at all, the charges were well founded.

It was also asserted by Mr. Hanks that valuable suggestions could be made for extending and improving the statistical work of the commission, and this was deemed of special consequence in view of our increased authority under the amended law in regard to the accounts and reports of the carriers subject thereto.

The commission accordingly employed Mr.

The commission accordingly employed Mr. Hanks and Mr. Harriman to make such an investigation and continued them in that service until convinced, after hearing them at length and full consideration, that their criticisms were without merit and that they had no suggestions to make which had not

already been anticipated.

When their employment terminated, at the time above stated, they were requested to turn over to our statistician, Mr. Henry C. Adams, the various papers, documents and figures which had been prepared by them, but it is impossible for the commission to find in this material any facts whatever showing or tending to show that rates could be reduced as claimed by Mr. Hanks, nor does it even indicate the line of argument relied upon to support his contention.

The action of the President in this matter will appear from his letter to Mr. Hanks under date of January 31, 1907, a copy which was sent to the commission on that date and a copy of which, together with the report therein mentioned, is annexed here-

All of which is respectfully submitted.

MARTIN KNAPP. Chairman.

HAND NAILED TO POLE

GREWSOME FIND NEAR FOREST-VILLE, MD.

Supposed at First That Tragedy Had Been Enacted-Investigation by the Police.

The finding of a human hand nailed to a telephone post near Forestville, Md., has caused something of a sensation in that erstwhile quiet town. The uncanny object was discovered nailed to a guy pole at noon vesterday by Atwill Gray, who was on his way to Sunday school. He at first concluded that some terrible tragedy had been enacted and notified a number of citizens of his find. The grewsome object was removed from

the pole and turned over to Arthur Sult, the constable, while the town people became busy with gossip about the hand, and many theories were advanced as to how it came to be there. Constable Suit turned the hand over to Deputy Sheriff E. W. Sansbury, and a message was sent to Inspector Robert Boardman, chief of the Washington detective corps, requesting him to make an investigation here. A reporter of The Star who visited Forestville today was shown the hand. Owing to discoloration, the result of its exposure

to the elements, it was impossible to tell whether the member had been taken from a white or colored person. It appeared to have been the hand of a man. It had been sawed off the arm at the wrist, and the third finger was missing. One of the Suppositions. One of the suppositions is that the hand

belonged to a body that had been stolen from a grave by "bedy-snatchers," and that the missing finger had been chopped off so that the robbers might get from it

Capt. Boardman is making an investigation here to determine if any of the local cemeteries have been entered and despoiled by vandals. State's Attorney M. Hampton Magruder has been notified and has directed that the hand be held a few days in order that the Washington and Maryland law officers may trace the case and endeavor to locate the

The county authorities have been formed that an elderly man alighted from a train on the Chesapeake Beach railway at Richle station Saturday and inquired the way to Forrestville. It is suspected that he may know something about the "cruci-fied hand," as the find has been termed, and steps are being taken to locate him.

BUSINESS METHODS.

Committee Held Its First Meeting This Morning.

The committee on business methods appointed by Secretary Shaw to recommend advisable changes or modifications of the business methods in the Treasury Department, held its first meeting this morning. The committee is composed of A. F. Statter, assistant secretary of the treasury; Robert S. Person, auditor for the Interior De-partment, and James A. Wetmore, chief of

the law and records division of the super-vising architect's office.

The Keep commission has already made several recommendations to the President to effective changes in the presen methods pursued in the different depart-ments of the government, and the Secretary of the Treasury has named a committee to carry into effect, as far as practicable, the recommendations of the Keep commission.

The members of the committee on business. methods have been going over with care for the last two weeks the reports of the Keep commission with a view to familiar-izing themselves with the recommendations members of the subcommittees connected with the Treasury Department for addi-tional information, with a view to recomending certain changes in the departmen

WESTERN FUEL FAMINE. Appeals for Help Still Continue to Come.

In spite of the statements from the rail roads that the fuel famine conditions are improving, there continue to arrive appeals for help from the stricken district. Senator Hansbrough today received a message from the Commercial Club of Hansboro N. D., a little place on the Soo line, saying

N. D., a little place on the Soo line, saying:

"No fuel; no provisions. People suffering. Get help at once."

There were a number of photographs received also from the officials of the Soo line, showing some of the difficulties encountered in trying to open the line to traffic. In nearly all of them the rotary plows were shown buried almost out of sight in the snowdrifts, and it was explained that the worst features of the sitsight in the snowdrifts, and it was ex-plained that the worst features of the sit-uation conveyed no impression in a photo-graph, because they were simply wastes of snow in which fences, signals and even telegraph poles had entirely disappeared, leaving nothing but a field of unbroken snow to picture.

Old Resident Passes Away.

John Morgan, eighty years of age, an olesident of East Washington, died today at the residence of his daughter, Mrs. D. McCormick, 235 10th street southeast. The funeral will occur Wednesday next from St. Peter's Church, Capitol Hill, where requiem mass will be said at 8:30 o'clock.

Acts Approved by the President. The President has approved the act to in corporate the International Sunday School association of America; the act relative to assistant appraisers at New York, and the

Many Letters About Proposed Appointment of Ohio Negro...

THE JAPANESE CONFERENCE.

Officials of San Francisco School Board Expected Friday.

THE STANDARD OIL CASES

mencement March 4.

District Attorney Sims of Chicagos Called in Begard to Their Com-

The President is getting a lot of mail every day about his proposed appointment of a negro to some prominent federal position in Ohio, most probably at Cincinnati. If it keeps up he will have little time to devote to anything else, and he will be compelled to give Secretary Loeb some additional cierical assistance. He has reached no conclusion as to what he will do about filling a good Ohio office with a colored man. Such strong influence has been brought to bear against naming a negro as collector of the port at Cincinnati that the President may look over the other federal jobs in the state for a place for the man he has in view. The position of appraiser of merchandise at Cincinnati will shortly be vacant by the expiration of the four-year term of George K. Kolker. At Cleveland will be two offices available before a long time. These are the collectorships of customs and internal revenue, while at Toledo the term of the collector of inter-

at Toledo the term of the collector of inter-nal revenue will expire in a few months. The Japanese Conference.

Representatives Kahn and Hayes of Callfornia saw the President today to arrange for a conference about Friday of this week between the President and the officials of the school board of San Francisco, accompanied by Mayor Schmitz. This conference will be full of important possibilities, as the President will outline to the school board the serious objection Japan has to discrimination in the public schools of San Francisco against Japanese children. The President will point out the serious parameters. President will point out the seriousness of making an enemy of Japan and will urge the school board to change its regulations so far as Japanese children are concerned.

The California representatives see no reason, they say, for all the war talk that has been indulged in. While they hope that the matter can be settled with satisfaction, they have no idea Japan is spoiling for a fight, no matter how the question is settled.

The Standard Oil Cases.

District Attorney Sims of Chicago called on the President today. He is here to confer with the Attorney General as to the Standard Oil cases to begin at Chicago March 4. These are the prosecutions of the march 2. These are the prosecutions of the trust for accepting rebates, and Mr. Sims expects to prepare himself carefully before entering upon them. By conferring with the President, Attorney General Bonaparts, Commissioner Garfield of the corporations bureau and others he will familiarize himself with the corporations. self with the story of the Standard's meth-ods and acquire material for bringing out his case.

Collection of Presidential China.

Another valuable addition has just been made to the White House collection of presidential china. Through the efforts of Mrs. Abby G. Baker, who is in cox of this city, whose mother, the late Mrs Mary Emily Donelson Wilcox, was the great-grandniece of Mrs. Andrew Jackson and who was born in the White House during President Jackson's admin-House seven pieces of the Jackson ware.

These consist of two quaint old pieces of silver, a small spoon and a butter knife; one pair of gold and white china fruit dishes, a white opaque glass finger bowl, one small Dresden china flower pot and a white and red Boliemian glass

Col. Bromwell has just put in a new cabinet to accommodate the growing col-lection. It has been placed to the west of the four cabinets already installed in the corridor of the ground floor of the mansion, and as far as possible the china and plate is being arranged in the cabinets according to the chronological order of the various presidential adminis-

EMPLOYERS' LIABILITY LAW. Hearing of the Case Set by Supreme Court for April 8.

The Supreme Court of the United States

today granted a motion, made by Attorney General Bonaparte, permitting the government to intervene in the case of Danselle Howard against the Illinois Central Railroad Company, and, advancing the hearing road Company, and, advancing the hearing in the case, set it for April 8. The case involved the constitutionality of the railroad employers' liability act passed at the last session of Congress. It was tried by the United States circuit court for the western district of Tennessee, which held the first section of the act, abolishing the fellow-servant rule, to be unconstitutional. The case is considered to be of great importance, not only because of the number of similar cases that have arisen and will of similar cases that have arisen and will arise, but because of the principle involved. Another case, that of Brooks against the Southern Pacific Railread Company, involving the same question, was set for hearing at the same time.

Death of William R. England. The death of William Robert England, a clerk in the auditor's office of the interstate commerce commission, occurred today at

his home, 4281/2 M street northwest, Deceased held a \$1,300 clerkship and had been an attache of the interstate commerce commission for about eight years. He was born in Virginia about fifty-six years ago. Death was due to pneumonia and acute Bright's disease of the kidneys. The funeral will take place from his late residence at 9 o'clock tomorrow morning and the remains will be taken to Carters-

ville, Va., for interment. George I. Hall Dead.

The death of George I. Hall, an old resident of South Washington, occurred yesterday at his home, 221 13th street southwest. Deceased was eighty-three years of age and his wife, Mrs. Lucy Scott Hall, survives him. The funeral will take place at 2 o'clock tomorrow afternoon from Ryland

M. E. Church. For Postmaster at Norfolk. The nomination of S. B. Carney to be post-

Severely Injured. While chopping wood at his home, 3403

master at Norfolk, Va., was sent to the

P street northwest this afternoon Jesse

Spates, twenty years old, cut his left log severely with the axe. The wagon of the seventh precinct conveyed him to the Georgetown University hospital. Sudden Death. Joseph Petnati, sixty-four years old, liv-

burg road, died suddenly about 9 o'clock this morning. Dr. Dorsey of Langdon, D. C., was summoned after the aged man was stricken, but he arrived too late to give any assistance. Coroner Nevitt has been notified and he will make an invstigation his afternoon.

ing on Wilker's dairy farm on the Bladens-

For the Lighthouse Service The omnibus lighthouse bill, carrying s otal appropriation of \$1,598,500 for the

ghthouse establishment, and an additional